

1           A           About a month later.

2           Q           After the --

3           A           Yeah, but it was the same as what I had  
4 budgeted in my head.

5           Q           Well, when you say the same --

6           A           Pretty much the same. I mean the figures  
7 did not vary.

8           Q           Let me continue on this budget. This  
9 budget that was reduced to writing, do you have that?

10          A           Not with me, but I have it, yes.

11          Q           Is it typewritten?

12          A           No, it is in my handwriting.

13          Q           Are there any other written materials that  
14 you have that you used to prepare that budget? In  
15 other words, as far as --

16          A           No, I don't think so.

17          Q           Mr. Wilson provided you certain  
18 information regarding the operational expenses of the  
19 radio station?

20          A           Uh-huh.

21          Q           Did any of the information Mr. Wilson  
22 provide you come in written form?

1           A           No, no, it was all verbal.

2           Q           Did you take notes of your conversations  
3 with Mr. Wilson?

4           A           Yes.

5           Q           Do those notes exist?

6           A           Well, the only notes I took were the  
7 positions that we -- what it would probably cost and  
8 the other operating expenses and so forth. It is all  
9 in my handwriting.

10          Q           Do you still have those?

11          A           Yes, I have them.

12                   MR. McCORMICK: Counsel, will you produce  
13 them?

14                   MR. KRAVETZ: What is the basis for the  
15 request?

16                   MR. McCORMICK: It would fall under  
17 standard document production request 12.

18                   MR. KRAVETZ: I will take a look at the  
19 request and if it does, I will produce it. If I  
20 differ with you, I will let you know.

21                   MR. McCORMICK: I appreciate it.

22                   BY MR. McCORMICK:

**WELDON & WILBURN**

ATTORNEYS AT LAW

210 SOUTH COURT STREET

P. O. BOX 418

CIRCLEVILLE, OHIO 43113

(614) 474-2780

CHARLES W. WILBURN

BERNARD P. WILBURN

LEMUEL B. WELDON  
(1903-1981)

February 6, 1992

Carl B. Fry  
Attorney at Law  
35 East Livingston Avenue  
Columbus, Ohio 43215

HAND DELIVERED 2/6/92

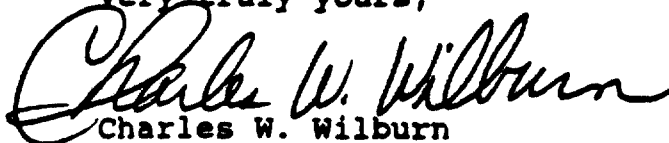
Re: Mid-Ohio Communications, Inc./WBBY-FM/Lease of Assets  
Applicant, Wilburn Industries, Inc.

Dear Mr. Fry:

In accordance with your letter to the undersigned dated December 24, 1991, enclosed are statements of financial position for Charles W. Wilburn and Bernard P. Wilburn. Charles and Bernard Wilburn are the principals of Wilburn Industries, Inc., applicant for the WBBY license.

Please confirm whether our financial qualifications are satisfactory to Mid-Ohio Communications, Inc. for it to enter into leases pursuant to your letter dated December 24, 1991 within 60 days of this date.

Very truly yours,

  
Charles W. Wilburn

Enclosures

CHARLES W. WILBURN  
Statement of Financial Position  
January 31, 1992

**ASSETS**

**Current**

Checking Account, BancOhio	\$21,800.00
Certificates of Deposit, BancOhio	94,000.00
Certificates of Deposit, Bank One	43,000.00
Certificates of Deposit, State Savings Bank	<u>17,000.00</u>

Total Cash	\$175,800.00
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Accounts Receivable	
Weldon & Wilburn	<u>125,000.00</u>

TOTAL CURRENT ASSETS	\$300,800.00
----------------------	--------------

**Fixed**

Residential Real Estate	
3324 Westbury Drive	
Upper Arlington, Ohio	\$185,000.00

Office Building	
210 South Court Street	
Circleville, Ohio	
Undivided one-half	<u>75,000.00</u>
	<u>\$260,000.00</u>

TOTAL ASSETS	<u>\$560,800.00</u>
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LIABILITIES	-0-
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NET WORTH	<u>\$560,800.00</u>
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**BERNARD P. WILBURN**  
**Statement of Financial Position**  
**January 31, 1992**

**ASSETS**

**Current**

Checking Account, Bank One	\$ 3,500.00
Savings Account, Bank One	<u>36,000.00</u>

Total Cash	\$39,500.00
------------	-------------

Accounts Receivable Weldon and Wilburn	<u>\$125,000.00</u>
---	---------------------

TOTAL CURRENT ASSETS	\$164,500.00
----------------------	--------------

**Fixed**

Duplex 1063 Pennsylvania Ave. Columbus, Ohio	\$85,000.00
--	-------------

Duplex 1388 Virginia Avenue Columbus, Ohio	<u>105,000.00</u>	<u>\$190,000.00</u>
--	-------------------	---------------------

TOTAL ASSETS	<u>\$354,500.00</u>
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**LIABILITIES**

Mortgage due Chemical Bank on 1063 Pennsylvania Ave	\$34,000.00
--	-------------

Mortgage due Huntington Nat'l Bank 1388 Virginia Avenue	<u>65,000.00</u>
---	------------------

Total Liabilities	<u>\$99,000.00</u>
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NET WORTH	<u>\$255,500.00</u>
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12/24/91

Attachment C

Demand —

I went to Westville today and  
visited the WBSX studios — Olawson  
D. Sumburg and saw the town site.  
I talked to the Gen. Mgr. (an architect Frizzell)  
She told me the present owner will lease  
all the equipment to us for \$6,000/mo.  
(see ltr I got from Atty Carl Ray).  
She also told me the current  
operating cost were \$30,000/mo —  
they have 17-18 employees. This

sounds a little low to me —  
I think we should figure on \$30,000/mo  
for payroll for 18 people. This plus  
the lease of \$6,000/mo, then we would  
have royalties and utilities and other  
expenses probably of about \$10,000 —  
altogether about \$46,000/mo. We  
should estimate \$50,000/mo for  
operating costs on our application.  
I didn't have time to look at  
the engineering info — as soon  
as you get back go see  
Mr. Frizzell about this — all  
the papers are at the studio  
and we need them for the Application  
Pack

**COPY**

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

IN RE APPLICATIONS OF: :

DAVID A. RINGER : MM Docket No.: 93-107

ASF BROADCASTING CORP. : BPH 911230MA

WILBURN INDUSTRIES, INC. : BPH 911230MB

KYONG JA MATCHAK : BPH 911230MC

SHELLEE F. DAVIS : BPH 911230MF

WESTERVILLE BROADCASTING CO. : BPH 911231MA

LIMITED PARTNERSHIP : BPH 911231MB

OHIO RADIO ASSOCIATES, INC. : BPH 911231MC

For Construction Permit for :  
an FM Station on Channel :  
280A in Westerville, Ohio :

Washington, D.C.  
Monday, July 12, 1993

Deposition of:

BERNARD P. WILBURN

called for oral examination by counsel for the  
Applicant ASF Broadcasting, pursuant to notice, at the  
offices of Brown, Nietert & Kaufman, Chartered, 1920 N  
Street, Northwest, Suite 660, Washington, D.C., before  
Shari R. Broussard, a Notary Public in and for the  
District of Columbia, beginning at 11:30 a.m., when  
were present on behalf of the respective parties:

1 the most general of terms?

2 A That's true.

3 MR. McCORMICK: I will leave it there.

4 MR. YELVERTON: I just have a couple  
5 questions.

6 FURTHER EXAMINATION BY COUNSEL FOR THE  
7 APPLICANT OHIO RADIO ASSOCIATES  
BY MR. YELVERTON:

8 Q Is the law firm of Weldon & Wilburn  
9 considered a general partnership in a legal sense?

10 A We treat it as partners. We don't have a  
11 formal partnership agreement. If we were ever to --  
12 in a legal sense if, for instance, the issue were to  
13 ever come up in litigation against each other or  
14 something like that, I have no idea. I suppose that,  
15 you know, depending on which one is making -- I am not  
16 quite sure I understand the question.

17 Q Okay. Let me be more specific. Would it  
18 be accurate to state that under the laws of the State  
19 of Ohio the law firm would be an oral general  
20 partnership?

21 A I think that would be accurate.

22 Q And is it correct to state that under the



CERTIFICATE OF SERVICE

I, Tracy A. Holden, a secretary in the law firm of Brown, Nietert & Kaufman, Chartered, do hereby certify that on this 3rd day of September, 1993, I caused copies of the foregoing "Opposition to Motion to Enlarge Issues" to be delivered by first class mail, postage prepaid, to the person named below:

Arthur V. Belenduik, Esquire  
Smithwick & Belenduik, P.C.  
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Ginsburg, Feldman & Bress, Chartered  
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Counsel for Shellee F. Davis

  
Tracy A. Holden